

**N.D.A.G. Letter to Sillers (Feb. 24, 1988)**

February 24, 1988

Mr. Cameron D. Sillers  
Cavalier County State's Attorney  
Cavalier County Courthouse  
901 Third Street  
Langdon, ND 58249

Dear Mr. Sillers:

Thank you for your letter of February 3, 1988, wherein you asked whether it was necessary for local road authorities to erect stop or yield signs on a roadway intersecting another roadway which the local authorities had designated as a through highway.

N.D.C.C. § 39-07-03 addresses the requirements imposed upon the various highway authorities in this state when they establish a through highway. A dual requirement is imposed upon those bodies in making such a highway designation. First, there must be a proclamation declaring the highway in question to be a through highway. Second, stop signs or yield signs, as designated by the highway authority, must be erected at specified entrances and intersections thereto. These statutory provisions calling for the erection of stop signs or yield signs at entrances and intersections of through highways, are mandatory in nature and not discretionary with the highway authorities.

The Manual on Uniform Traffic Control Devices, (MUTCD), which has been adopted for North Dakota by the Highway Commissioner pursuant to N.D.C.C. § 39-13-06, provides the criteria for the erection of stop signs and yield signs in those cases not regulated by statutory direction. This information is found in 2B-1 through 2B-9 of the MUTCD. Copies of those sections are enclosed for your use. The provisions of the MUTCD are made applicable to the local road authorities of this state under the provisions of N.D.C.C. § 39-13-07. The same statutory provision also requires that the local road authorities erect traffic control devices in conformity with the design and location requirement as specified in the MUTCD.

Both the MUTCD and N.D.C.C. § 39-07-03, recognize the necessity of erecting a traffic control device at the intersection of a lesser roadway and a through highway. Consequently, the only discretion permitted a board of county commissioners in such a situation is whether a stop sign or yield sign would be erected at such an intersection.

If you or the board of county commissioners should have any questions regarding the proper installation of traffic control devices, I would suggest that you contact Mr. Al Covlin, Engineering Services Division, State Highway Department, State Highway Building, 600 East Boulevard Avenue, Bismarck, ND 58505-0700. Mr. Covlin's telephone number is 224-4398.

Sincerely,

Nicholas J. Spaeth

ja  
Enclosure